

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte WILLIAM REX AKERS, JEFF W. CANTERBURY,
BLAKE B. MILLER, CRAIG ALAN WALKER, JAMES R. KING,
JERRY L. GRAVES, JAY TRAVIS PATTERSON, ROBERT J. NORMYLE,
KEVIN P. HALE, BRANDON T. WATTS and KAREN D. RAU

Application No. 09/851,745

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on October 31, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters still requiring attention prior to docketing are identified below.

This application was returned by the Board of Patent Appeals and Interferences on August 23, 2005, for the examiner to among other issues, to review and reevaluate the:

“...[R]ejection of Claim...19 under 35 USC 103(a), as being unpatentable over Evans, in view of Portwood et al.,305,377) and Claims 20-22 under 35 USC 103(a) over Portwood in view of Evans constitute new grounds of rejection in the Examiner’s Answer mailed March 9, 2004.

It is not clear from the record that the examiner addressed the above-noted rejection.

Accordingly, it is

ORDERED that the application is returned to the examiner for resolution of the following issues:

- 1) vacate the Examiner’s Answer dated March 9, 2004;
- 2) generate a revised Examiner’s Answer setting forth the new the grounds of rejection with the appropriate approval in accordance with MPEP 1207.03; and
- 3) any further action as deemed appropriate

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e. abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES



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Application No. 09/851,745

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